

Applicants have amended the above-captioned application by deleting the phrase "and being such that the odor of the menthol is barely perceptible" from claims 1 and 21; by deleting the phrase "in particular" from claim 24; and by deleting reference to "Glacier SG 809A" in claims 18 and 24 and inserting therefor in claim 18 the term - mint fragrance - which finds basis in the Specification at page 4, l. 24.

Claims 1-20 and 21-37 were rejected in the Final Rejection under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully request reconsideration of this rejection in view of the foregoing amendments to the claims and the ensuing discussion.

Applicants respectfully submit that the foregoing amendments to the claims address all points raised under 35 U.S.C. §112, second paragraph by the Final Rejection: the Final Rejection cites the recital of "Glacier SG 809A", the phrase "in particular" and the phrase "barely perceptible" as being bases for the rejection. As applicants have removed these terms from the claims, they respectfully submit that the rejection is rendered moot and that the amendments place the claims in better form for allowance. Therefore, applicants respectfully request reconsideration of the Final Rejection and entry of this Amendment. An Appendix hereto sets forth the marked-up copy of the claims as amended.

Applicants gratefully acknowledge the removal of the rejection under 35 U.S.C. §103(a). Entry of this Amendment Under 37 C.F.R. §1.116 and an early allowance are earnestly solicited. Any questions pertaining to this Amendment should be addressed to

the undersigned, who is available via telephone at the number listed below.

Respectfully submitted,


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APPENDIX

1. (Thrice amended) A freshening cosmetic composition comprising from about 0.01% to about 2% by weight menthol and from about 0.1% to about 10% by weight menthyl lactate, the menthol/menthyl lactate ratio lying in the range from about 1/3 to about 1/10, [and being such that the odor of the menthol is barely perceptible,] said composition not being irritating to sensitive parts of human skin.
18. (Amended) A composition according to claim 4 wherein said fragrance is [glacier SG 809A] in a concentration from about 0.5% to about 5% by weight.
21. (Amended) A freshening cosmetic composition consisting essentially of from about 0.01% to about 2% by weight menthol and from about 0.1% to about 10% by weight menthyl lactate, the menthol/menthyl lactate ratio lying in the range from about 1/3 to about 1/10, [and being such that the odor of the menthol is barely perceptible,] said composition not being irritating [in particular] for [the] sensitive parts of the human body.
24. (Amended) A composition according to claim 21 further comprising at least one fragrance, [in particular the "glacier SG 809A" fragrance,] at a concentration lying in the range from about 0.5% to about 5% by weight.